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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,470	11/09/2001	Vasco Vollmer	10191/1964	2584

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EXAMINER

TSEGAYE, SABA

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/913,470

Applicant(s)

VOLLMER ET AL.

Examiner

Saba Tsegaye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is not clear what “container” means. According to the specification, page 2, lines 13-23, the terms “data packets and “container” appear to be identical in content.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11-13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Raychaudhuri et al. (WATMnet: “A Prototype Wireless ATM system for Multimedia Personal communication” IEEE international conference on communications, pages 469-477).

Regarding claim 11, Raychaudhuri discloses a method for transmitting data packets in a communications system in a frame-oriented form between a master station and a plurality of subscribers (see title and abstract), comprising:

exchanging useful data packets and control data packets between the master station and the subscribers, at least one of the useful data packets and the control data packets being stored in containers within a transmission frame (page 473, Fig. 8);

storing an identifier in an information element within each of the containers within the transmission frame to identify a virtual connection to which at least one of the useful data packets belongs, the identifier indicating the connection to which at least one of the containers for user data packets transmitted by one of the subscribers to the master station belongs (field “VCI” in the header of a data cell) (see Section 4 “protocol Implementation”; “Wireless control”; page 473, left-hand column to page 476, left hand column), and

freely dividing by the one of the subscribers a capacity allocated to the one of the subscribers by the master station among user data packets and control data packet (see Fig. 8, Section 4).

Regarding claim 12, Raychaudhuri discloses the method wherein the storing step includes storing the identifier within at least one of the control packets (see Fig 8, page 473, ACK packet).

Regarding claim 13, Raychaudhuri discloses the method further comprising:

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transmitting the identifier in the information element, the information element including at least connection identifiers for subsequent containers for useful data packets of one connection (see Fig. 8; right hand column of page 475, "wireless control").

Regarding claim 16, Raychaudhuri discloses the method wherein the storing step includes storing in a header of the information element a type of fields contained in the information element (see Fig. 8; right hand column of page 475, "wireless control").

5. Claims 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Jamal et al. (6,724,813).

Jamal discloses, in Fig. 1 and 3, a method for transmitting data packets in a communications system in a frame oriented form between a master station (23, 24) and a plurality of subscribers (30), comprising:

exchanging useful data packets and control data packets between the master station and the subscribers, at least one of the useful data packets and the control data packets being stored in containers within a transmission frame (column 6, lines 1-22);

storing an identifier in an information element within each of the containers within the transmission frame to identify a virtual connection to which at least one the useful data packets belongs, the identifier indicating the connection to which at least one of the containers for user data packets transmitted by one of the subscribers to the master station belongs (column 6, lines 1-25; column 7, lines 9-34); and

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freely dividing by the one of the subscribers a capacity allocated to the one of the subscribers by the master station among user data packets and control data packet (column 6, lines 51-65; column 7, lines 32-34).

Regarding claim 12, Jamal discloses the method wherein the storing step includes storing the identifier within at least one of the control packets (column 7, line 65-column 8, line 6).

Regarding claim 13, Jamal discloses the method further comprising:

transmitting the identifier in the information element, the information element including at least connection identifiers for subsequent containers for useful data packets of one connection (column 7, lines 44-53).

Regarding claim 14, Jamal discloses the method wherein the storing step includes storing the information element as two fields for the virtual connection, a first field for a connection identifier, and a second field for a number of subsequent containers for user data packets for the virtual connection (column 7, lines 44-53).

Regarding claim 15, Jamal discloses the method wherein the storing step includes storing one connection identifier in the information element for every container for useful data packets (column 7, lines 44-53).

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Regarding claim 16, Jamal discloses the method wherein the storing step includes storing in a header of the information element a type of fields contained in the information element (column 7, line 65-column 8, line 6).

Regarding claim 17, Jamal discloses the method wherein the storing step includes storing in the information element a length of the information element (column 8, lines 48-22).

Regarding claim 18, Jamal discloses the method wherein the storing step includes storing in the information element a field indicating for two other fields whether the two other fields specify: one connection ID and for a number of useful data packets for the one connection ID, or two connection IDs (column 8, lines 8-24).

Regarding claim 19, Jamal discloses the method wherein a connection between the master station and the one of the subscribers stipulates whether containers for useful data packets in the transmission frame are filled with a plurality of control data packets (column 7, lines 20-26).

Regarding claim 20, Jamal discloses the method further comprising;
allocating terminal resources per subscriber or per subscriber terminal, the subscriber or subscriber terminal selecting the useful data packets of different connection (column 7, lines 32-34).

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baldwin et al. (US 5953339) discloses a logical link connection server.


Jokiaho et al. (US 5,889,770) discloses a location updating for a packet switched data service in a mobile communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST
June 10, 2004


JOHN PEZZLO
PRIMARY EXAMINER